

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR. SECRETARY

June 21, 2012

U. S. Army Corps of Engineers 151 Patton Avenue, Room 208 Asheville, NC 28801-5006

ATTN:

Ms. Loretta Beckwith

NCDOT Coordinator

Subject:

Application for Section 404 General Permit 31 and Section 401

Water Quality Certification for the proposed replacement of Bridge No. 81 over Long Creek on SR 1117 (Moose Branch Road)

in Graham County, Federal Aid Project No. BRZ-1117(8); Division 14; TIP No. B-4122. \$240.00 debit WBS 33475.1.1

Dear Madam:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 81 over Long Creek on SR 1117. There will be 42 linear feet of impacts from the crown span structure and 83 linear feet of bank stabilization impacts on Long Creek. The crown span is a 3-sided structure, allowing the natural stream channel and substrate to be minimally affected. There will be 0.05 acre of temporary impacts during the placement of the structure. The installation of two (2) utility piers for the installation of a re-located aerial sewer line will result in 7 square feet of impacts.

Please see enclosed a Pre-Construction Notification (PCN), a copy of the NCEEP mitigation acceptance letter, jurisdictional determination form, stormwater management plan, permit drawings, utility permit drawing, and design plans for the above mentioned project. Also included is a memorandum from Bob Kopetsky (NCDOT-Roadside Environmental Unit) concerning the value of the tree. The Categorical Exclusion (CE) was completed in February 2011 and distributed shortly thereafter. Additional copies are available upon request.

MAILING ADDRESS:

TELEPHONE: 919-707-6100 FAX: 919-212-5785 LOCATION:

NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

WEBSITE: WWW.NCDOT.ORG

1020 BIRCH RIDGE DRIVE RALEIGH NC 27610-4328

Background

- February 9, 2010: Application submittal for a proposed bridge that would eliminate a nearby oak tree.
- March 5, 2010: 401 certifications received for bridge structure (expired April 28, 2012).
- May 3, 2010: 404 permits received for bridge structure (expired April 28, 2012).
- July 12, 2011: Application for a proposed culvert (with concrete slab floor) that would not eliminate the oak tree.
- August 8, 2011: Letter from USACE denying issuance of 404 permit due to lack of avoidance and minimization measures.

Bridge No. 81 over Long Creek is located next to a large oak tree with extensive personal value to the landowner. Replacing the existing bridge with a new bridge would involve elimination of the oak tree. The alignment cannot be shifted to avoid the tree due to impacts that would occur to adjacent 4(f) facilities. NCDOT has incorporated contact sensitive solutions to manage this project due to the landowners request to save the tree.

New Proposed Structure

The NCDOT has continued efforts to assess alternative structure design for a suitable structure to replace Bridge No. 81 that would allow the tree to remain at the site and also minimize adverse effects to Long Creek. A vertical abutment bridge that would have minimized impacts to the tree was evaluated. Ultimately however, this design did not meet FEMA floodplain regulations.

With the limitations due to FEMA regulations, a re-designed crown span structure is being proposed. The re-designed crown span structure has an alternative construction design that will utilize sheet piles to key in the span. This alternative construction design will allow the crown span to be a 3-sided structure, allowing the natural stream channel and substrate to be only minimally affected.

Overall, the proposed crown span allows for a smaller "footprint", as compared to the previously permitted bridge. Utilizing the proposed 3-sided crown span structure allows the tree to remain in place (with some pruning of the crown) with minimal excavation near the root system. It also allows the existing wooden abutment to remain in place, which will avoid probable de-stabilization of the streambank that would have occurred from construction of the previously permitted bridge structure.

Comments from the North Carolina Wildlife Resources Commission (NCWRC) will be required prior to authorization by the Corps of Engineers. By copy of this letter and attachments, NCDOT hereby requests NCWRC review. NCDOT requests that NCWRC forward their comments to the Corps of Engineers and the NCDOT within 30 calendar days of receipt of this application.

This project calls for a letting date of December 18, 2012 and a review date of October 30, 2012; however, the let date may advance as additional funding becomes available.

A copy of this permit application will be posted on the NCDOT Website at: http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html. If you have any questions or need additional information, please call Bill Barrett at (919) 707-6103.

Sincerely,

Gregory J. Thorpe, Ph.D., Manager

Lusk

Project Development and Environmental Analysis Unit

CC:

NCDOT Permit Application Standard Distribution List





Office Use Only:	
Corps action ID no	
DWQ project no.	
Form Version 1.3 Dec 10 2008	

Pre-Construction Notification (PCN) Form									
A.	Applicant Information								
1.	1. Processing								
1a.	1a. Type(s) of approval sought from the Corps: ☐ Section 404 Permit ☐ Section 10 Permit								
1b.	1b. Specify Nationwide Permit (NWP) number: or General Permit (GP) number: 198200031								
1c. Has the NWP or GP number been verified by the Corps? ☐ Yes ☒ No									
1d.	Type(s) of approval sought from	the DWQ (check all that apply):						
		n – Regula	r Non-404 Jurisdiction	al General Permi	t				
	☐ 401 Water Quality Certification	n – Expres	s Riparian Buffer Auth	orization					
1e.	Is this notification solely for the rebecause written approval is not re	For the record	only for Corps Permit: ☑ No						
1f.	Is payment into a mitigation bank of impacts? If so, attach the accefee program.	⊠ Yes	□ No						
1g.	 Is the project located in any of NC's twenty coastal counties. If yes, answer 1h below. 				⊠ No ·				
1h.	Is the project located within a NC	DCM Area	of Environmental Concern (AEC)?	Yes	⊠ No				
2.	Project Information								
2a.	Name of project:	Replacen	nent of Bridge 81 over Long Creek o	n SR 1117 (Moos	se Branch Road).				
2b.	County:	Graham							
2c.	Nearest municipality / town:	Robbinsv	ile						
2d.	Subdivision name:	not applic	eable						
2e.	NCDOT only, T.I.P. or state project no:	B-4122		Carrent Carren					
3.	Owner Information								
За.	Name(s) on Recorded Deed:	North Ca	rolina Department of Transportation	····					
	Deed Book and Page No.	not applic	cable						
Зс.	Responsible Party (for LLC if applicable):	not applic		distance in the second					
3d.	Street address:	1598 Mai	I Service Center		111111111111111111111111111111111111111				
3e.	City, state, zip:	Raleigh,	NC 27699-1598	***	:				
3f.	Telephone no.:	(919) 707	7-6103						
3g.	Fax no.:	(919) 212	2-5785		· · · · · · · · · · · · · · · · · · ·				
3h.	Email address:	wabarret	@ncdot.gov		•				

4.	Applicant Information (if different from owner)					
4a.	Applicant is:	☐ Agent	☐ Other, specify:			
4b.	Name:	not applicable				
4c.	Business name (if applicable):					
4d.	Street address:					
4e.	City, state, zip:					
4f.	Telephone no.:					
4g.	Fax no.:					
4h.	Email address:					
5.	Agent/Consultant Information	n (if applicable)				
5a.	Name:	not applicable				
5b.	Business name (if applicable):					
5c.	Street address:					
5d.	City, state, zip:					
5e.	Telephone no.:					
5f.	Fax no.:	·				
5g.	Email address:					

B. Project Information and Prior Project History						
1. Property Identification						
1a. Property identification no. (tax PIN or parcel ID):	not applicable					
1b. Site coordinates (in decimal degrees):	Latitude: 35.25188 Longitude: - 83.811307 (DD.DDDDDD) (-DD.DDDDDD)					
1c. Property size:	3.5 acres					
2. Surface Waters						
2a. Name of nearest body of water (stream, river, etc.) to proposed project:	Long Creek					
2b. Water Quality Classification of nearest receiving water:	CTr					
2c. River basin:	Little Tennessee					
3. Project Description						
3a. Describe the existing conditions on the site and the general la application:	and use in the vicinity of the project at the time of this					
Residential and minor commerical development. Narrow woo	ded buffer adjacent to stream.					
3b. List the total estimated acreage of all existing wetlands on the	property:					
0.0	0.0					
3c. List the total estimated linear feet of all existing streams (interaction 175 feet perennial (Long Creek), 132 feet intermittent (piped stream)						
3d. Explain the purpose of the proposed project: To replace a structurally deficient bridge (Sufficiency rating of	35.9 out of 100)					
3e. Describe the overall project in detail, including the type of equ						
supported by sheet piling with a clear roadway width of 33'5".	The project involves replacing an existing bridge with a 36-foot long, 1 @ 40'X6' crownspan structure on footings supported by sheet piling with a clear roadway width of 33'5". An off-site detour will be utilized during the construction of the project. Standard road building equipment, such as trucks, dozers, and cranes will be used.					
4. Jurisdictional Determinations						
4a. Have jurisdictional wetland or stream determinations by the Corps or State been requested or obtained for this property / project (including all prior phases) in the past? Comments: Determination of Jurisdiction issued by the USACE, dated April 28, 2010. Expires April 28, 2015.	⊠ Yes ☐ No ☐ Unknown					
4b. If the Corps made the jurisdictional determination, what type of determination was made?	☐ Preliminary ☒ Final					
4c. If yes, who delineated the jurisdictional areas? Name (if known): Jason Dilday	Agency/Consultant Company: NCDOT Other: DavidBaker (USACE)					
4d. If yes, list the dates of the Corps jurisdictional determinations April 28, 2010	or State determinations and attach documentation.					

5.	Project History						
5a.	Have permits or certifications been requested or obtained for this project (including all prior phases) in the past?	⊠ Yes	☐ No	Unknown			
5b.	5b. If yes, explain in detail according to "help file" instructions. NCDOT received NW 13 and 25 permits (SAW-2010-0268) from the USACE, issued 4/28/2010, and 401 Water Quality Certifications (Proj. 20100107) from NCDWQ on 3/10/2010. Design changes to the project, undertaken to address the concern regarding a significantly large tree at the site (see Section D 1a. of this PCN for additional information regarding the tree), necessitated the need for acquisition of new permit/certification. A permit application, dated July 11, 2011 (received by USACE on July 15, 2011) proposing a change in the replacement structure, from a bridge to a 42-foot crownspan (that required a concrete slab floor due to the lack of bedrock at the site) was submitted. The USACE determined that the project did not meet the conditions for use of the NWP program, and therefore, verification of use of the NWP program was not issued (USACE letter dated August 8, 2011).						
6.	Future Project Plans						
6a.	Is this a phased project?	☐ Yes	⊠ No				
6b.	If yes, explain.						

C. Proposed Imp	acts Inventory					
1. Impacts Summ	ary					
1a. Which sections	were completed be	elow for your project	(check all that a	ipply):		
☐ Wetlands	⊠ 5	Streams - tributaries	☐ Bu	ffers		
☐ Open Waters	s □ F	Pond Construction				
2. Wetland Impac	ts	· · · · · · · · · · · · · · · · · · ·				
If there are wetland	impacts proposed			tion for each wetland a		
2a.	2b.	2c.	2d.	2e. Type of jurisdi		2f.
Wetland impact number – Permanent (P) or Temporary (T)	Type of impact	Type of wetland (if known)	Forested	(Corps - 404 DWQ – non-404	, 10	Area of impact (acres)
Site 1 🔲 P 🔲 T			│	│		
Site 2 P T			☐ Yes	☐ Corps		-
Site 3 P T			☐ Yes ☐ No	☐ Corps ☐ DWQ		
Site 4 P T	,		☐ Yes ☐ No	☐ Corps		
Site 5 P T			☐ Yes ☐ No	☐ Corps ☐ DWQ		
Site 6 P T		-	☐ Yes ☐ No	☐ Corps ☐ DWQ		
				2g. Total wetla ı	nd impacts	X Permanent X Temporary
2h. Comments:						
3. Stream Impact If there are perennia question for all strea	al or intermittent str	ream impacts (includi	ng temporary ir	npacts) proposed on t	he site, then	complete this
3a.	3b.	3c.	3d.	3e.	3f.	3g.
Stream impact number -	Type of impact	Stream name	Perennial (PER) or	Type of jurisdiction	Average stream	Impact length (linear feet)
Permanent (P) or Temporary (T)			intermittent (INT)?	(Corps - 404, 10 DWQ - non-404, other)	width (feet)	
Site 1 ⊠ P ☐ T	Bank Stabilization	Long Creek	⊠ PER □ INT	⊠ Corps □ DWQ	28	83
Site 1 ⊠ P □ T	Crownspan / fill	Long Creek	☑ PER ☐ INT	⊠ Corps □ DWQ	28	42
Site 1 ☐ P ☑ T	Crownspan / dewatering	Long Creek	☑ PER ☐ INT	⊠ Corps □ DWQ	28	*
Site 4 ☐ P ☐ T			☐ PER ☐ INT	☐ Corps ☐ DWQ		
Site 5 P T			☐ PER ☐ INT	☐ Corps ☐ DWQ		
Site 6 P T			☐ PER ☐ INT	☐ Corps ☐ DWQ	ì	
		-	3h. T	otal stream and trib	utary impact	s 125 Perm
3i. Comments: * The		ary impacts along the	e west side of s	tream are included wi	thin the length	of permanent

4. Open	Water In	npacts								
		ed impacts to lakes, dually list all open v				ies, sounds	s, the Atlantic	Ocean,	or any other op	en water of
4a.		4b.	4c.				4d.		4e.	
Open w impact nu Permanen Tempora	mber – nt (P) or	Name of waterbody (if applicable)		Тур	e of impac	i ·	Waterbod	y type	Area of im	pact (acres)
01 🗆 P	ТП									
02 🗌 F	P □ T									
O3 □ F	<u>, П т</u>						1		· · · · · · · · · · · · · · · · · · ·	
04 □ P	P 🗆 T									
						4f. Total o	pen water i	mpacts		manent nporary
4g. Comm	ents:									
5. Pond	or Lake	Construction								
	laka cons		then com	nlete	the chart h	elow				
		struction proposed,		plete	the chart b	elow.	5d.			5e.
If pond or 5a.	5b. Pro	struction proposed,	5c.		the chart b		5d. Strea	m Impac	ts (feet)	5e. Upland (acres)
If pond or 5a.	5b. Pro	struction proposed,	5c.	tland				m Impac	ts (feet) Excavated	Upland
If pond or 5a.	5b. Pro	struction proposed,	5c. We	tland	Impacts (a	cres)	Strea	<u> </u>		Upland (acres)
If pond or 5a. Pond ID number	5b. Pro	struction proposed,	5c. We	tland	Impacts (a	cres)	Strea	<u> </u>		Upland (acres)
If pond or 5a. Pond ID number	5b. Pro	struction proposed,	5c. We	tland	Impacts (a	cres)	Strea	<u> </u>		Upland (acres)
If pond or 5a. Pond ID number	5b. Pro pur	struction proposed, posed use or pose of pond	5c. We	tland	Impacts (a	cres)	Strea	<u> </u>		Upland (acres)
If pond or 5a. Pond ID number P1 P2 5g. Comm	5b. Pro pur	struction proposed, posed use or pose of pond	5c. We Flood	tland	Impacts (a	cres)	Strea	Filled	Excavated	Upland (acres)
If pond or 5a. Pond ID number P1 P2 5g. Comm 5h. Is a da	5b. Propur	posed use or pose of pond 5f. Total	5c. We Flood ed?	ed	Impacts (a	Excavat ed	Strea	Filled	Excavated	Upland (acres)
If pond or 5a. Pond ID number P1 P2 5g. Comm 5h. Is a da 5i. Expect	Propur pur nents: am high h	posed use or pose of pond 5f. Total	5c. We Flood ed?	ed	Impacts (a	Excavat ed	Strea	Filled	Excavated	Upland (acres)

6. Buffer Impacts	(for DWQ)				
	ct a protected riparian buffer If any impacts require miti				list all buffer
6a.			☐ Neuse	☐ Tar-Pamlico	Other:
Project is in which	protected basin?		☐ Catawba	Randleman	
6b.	6c.	6d.	6e.	6f.	6g.
Buffer impact number – Permanent (P) or Temporary (T)	Reason for impact	Stream name	Buffer mitigation required?	Zone 1 impact (square feet)	Zone 2 impact (square feet)
B1			☐ Yes ☐ No		
B2 □ P □ T			☐ Yes ☐ No	41	
ВЗ 🗆 Р 🗆 Т			☐ Yes ☐ No		
		6h. Tota	l buffer impacts		
6i. Comments:					

D.	Impact Justification and Mitigation		·					
1.	Avoidance and Minimization							
1a.	a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing project.							
	The previously permitted bridge design would have required removal of a significantly large tree at the site, that had been brought to the attention of the NCDOT (see attached letter from Bob Kopetsky with NCDOT Roadside Environmental Unit). Due to the presence of the significantly large oak tree at the site, several designs were evaluated for their potential for saving the tree, while also minimizing impacts to Long Creek. Shifting the alignment upstream awayfrom the tree, would negatively impact 4F facilities in the southeast quadrant. A vertical abutment bridge that would have minimized impacts to the tree was evaluated. Ultimately, the design did not meet FEMA floodplain regulations.							
	The proposed crown span structure is 3-sided, allowing the natural stream channel and substrate to be minimally affected, and allowing for a smaller footprint than the previously permitted bridge. Additionally, using the crown span structure allows the significant, large tree at the site to remain in place (with some pruning of the crown) with minimal excavation near the root system. It also allows the existing wooden abutment to remain in place, which will avoid destabilization of the streambank that would have occurred from construction of the previously permitted bridge.							
1b.	Specifically describe measures taken to avoid or minimize	the proposed impacts	through construction techniques.					
	Design Standards in Sensitive Watersheds will be used in all phases of construction. A trout moratorium will prohibit Instream work between October 15 - April 15. The use of NCDOT's Best Management Practices for Bridge Demolition and Removal and Best Management Practices for Construction and Maintenance Activities.							
2.	2. Compensatory Mitigation for Impacts to Waters of the U.S. or Waters of the State							
2a.	Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State?	☐ Yes ☐ No)					
2b.	If yes, mitigation is required by (check all that apply):	☐ DWQ Co	orps					
2c.	If yes, which mitigation option will be used for this project?	☐ Mitigation bank ☑ Payment to in-lie ☐ Permittee Respo	•					
3.	Complete if Using a Mitigation Bank							
3a.	Name of Mitigation Bank: not applicable							
3b.	Credits Purchased (attach receipt and letter)	Туре	Quantity					
3c.	Comments:							
4.	Complete if Making a Payment to In-lieu Fee Program							
4a.	Approval letter from in-lieu fee program is attached.	⊠ Yes						
4b.	Stream mitigation requested:	42 linear feet						
4c.	If using stream mitigation, stream temperature:	☐ warm ☐ co	ool ⊠cold					
4d.	Buffer mitigation requested (DWQ only):	square feet						
4e.	Riparian wetland mitigation requested:	acres						
4f.	Non-riparian wetland mitigation requested:	acres						
4g.	Coastal (tidal) wetland mitigation requested:	acres						
4h.	Comments:	W						
5.	Complete if Using a Permittee Responsible Mitigation I	Plan						

6a. Will the r	project result in an impact w	vithin a protected riparis	an huffer that requires	☐ Yes ☐ No
	nitigation?	min a protoctod ripane	ar baner that requires	
6b. If yes, th amount	nen identify the square feet of mitigation required.	of impact to each zone	of the riparian buffer th	nat requires mitigation. Calculate the
	6c.	6d		6e.
Zone	Reason for impact	Total impact (square feet)	Multiplier	Required mitigation (square feet)
Zone 1			3 (2 for Catawba)	
Zone 2	·		1.5	
		6f. Total buffer	mitigation required:	

E. Stormwater Management and Diffuse Flow Plan (required by DWQ)		
1. Diffuse Flow Plan		
Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules?	Yes	⊠ No
If yes, then is a diffuse flow plan included? If not, explain why. Comments: If required from 1a, see attached buffer permit drawings.	☐ Yes	□No
2. Stormwater Management Plan		
2a. What is the overall percent imperviousness of this project?	N/A	
2b. Does this project require a Stormwater Management Plan?	⊠ Yes	□ No
2c. If this project DOES NOT require a Stormwater Management Plan, explain why:		
2d. If this project DOES require a Stormwater Management Plan, then provide a brief, na See attached permit drawings.	arrative descripti	on of the plan:
2e. Who will be responsible for the review of the Stormwater Management Plan?		ocal Government mwater Program Unit
3. Certified Local Government Stormwater Review		
3a. In which local government's jurisdiction is this project?	not applicable	
3b. Which of the following locally-implemented stormwater management programs apply (check all that apply):	☐ Phase II ☐ NSW ☐ USMP ☐ Water Sup ☐ Other:	ply Watershed
3c. Has the approved Stormwater Management Plan with proof of approval been attached?	Yes	☐ No
4. DWQ Stormwater Program Review		
4a. Which of the following state-implemented stormwater management programs apply (check all that apply):	Coastal co	ounties aw 2006-246
4b. Has the approved Stormwater Management Plan with proof of approval been attached?	☐ Yes	□No
5. DWQ 401 Unit Stormwater Review		
5a. Does the Stormwater Management Plan meet the appropriate requirements?	Yes	□-No-N/A
5b. Have all of the 401 Unit submittal requirements been met?	☐ Yes	□ No N/A

F.	Supplementary Information		
1.	Environmental Documentation (DWQ Requirement)		
1a.	Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land?	⊠ Yes	□No
1b.	If you answered "yes" to the above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)?	⊠ Yes	□No
1c.	If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) Comments:	⊠ Yes	□No
2.	Violations (DWQ Requirement)	<u> </u>	
2a.	Is the site in violation of DWQ Wetland Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), DWQ Surface Water or Wetland Standards, or Riparian Buffer Rules (15A NCAC 2B .0200)?	Yes	⊠ No
2b.	Is this an after-the-fact permit application?	☐ Yes	⊠ No
2c.	If you answered "yes" to one or both of the above questions, provide an explanation of	of the violation(s	s):
3.	Cumulative Impacts (DWQ Requirement)		,
3a.	Will this project (based on past and reasonably anticipated future impacts) result in	☐ Yes	
	additional development, which could impact nearby downstream water quality?	⊠ No	
3b.	If you answered "yes" to the above, submit a qualitative or quantitative cumulative impost recent DWQ policy. If you answered "no," provide a short narrative description.	pact analysis in	accordance with the
	Due to the minimal transportation impact resulting from this bridge replacement, this pland uses nor stimulate growth. Therefore, a detailed indirect or cumulative effects st	oroject will neith udy will not be i	er influence nearby necessary.
4.	Sewage Disposal (DWQ Requirement)		
4a.	Clearly detail the ultimate treatment methods and disposition (non-discharge or discharge the proposed project, or available capacity of the subject facility.	arge) of wastew	ater generated from
	not applicable		· · · · · · · · · · · · · · · · · · ·

		AND THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED		
5.	Endangered Species and Designat	ted Critical Habitat (Corps Requiremen	it)	
5a.	. Will this project occur in or near an ar habitat?	rea with federally protected species or	⊠ Yes	□ No
5b.	Have you checked with the USFWS of impacts?	concerning Endangered Species Act	Yes	⊠ No
5c.	If yes, indicate the USFWS Field Office	ce you have contacted.	☐ Raleigh	
5d.	What data sources did you use to det Habitat?	termine whether your site would impact E	ndangered Speci	es or Designated Critical
	surveys for Appalachian elktoe were a area resulting in no mussels being for	Graham County and the NHP database of conducted by NCDOT and NCWRC biolound. The last survey was conducted on Maned that no additional surveys were need	gists of Long Cre lav 5, 2004. A bi	ek and the surrounding iological conclusion of "No.
6.	Essential Fish Habitat (Corps Requ	uirement)		
6a.	Will this project occur in or near an are	ea designated as essential fish habitat?	☐ Yes	⊠ No
6b.	What data sources did you use to det NMFS County Index	ermine whether your site would impact E	ssential Fish Hab	itat?
7.	Historic or Prehistoric Cultural Res	ources (Corps Requirement)		
7a.	Will this project occur in or near an argovernments have designated as have status (e.g., National Historic Trust de North Carolina history and archaeolog	ring historic or cultural preservation esignation or properties significant in	☐ Yes	⊠ No
7b.	What data sources did you use to dete	ermine whether your site would impact hi	storic or archeolo	gical resources?
8. F	lood Zone Designation (Corps Requ	uirement)		
8a.	Will this project occur in a FEMA-desig	gnated 100-year floodplain?	⊠ Yes	□No
8b.	If yes, explain how project meets FEM	A requirements: NCDOT Hydraulics Unit	coordination with	FEMA
8c.	What source(s) did you use to make th	ne floodplain determination? FEMA Maps		
	<u>Dr. Gregory J. Thorpe, Ph D</u> Applicant/Agent's Printed Name	Applicant/f/gent's Sig (Agent's signature is valid only if an authorizat is provided.)	nature lon letter from the ap	G-ZI-IZ Date



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR. SECRETARY

June 8, 2011

MEMORANDUM TO:

Anthony Houser, P.E.

Roadway Project Engineer

FROM:

Bob Kopetsky, RLA

Roadside Environmental Unit

SUBJECT:

B-4122, Bridge 81 over Long Creek in Robbinsville

Tree Preservation

Our Roadside field staff has reviewed the project and the large tree adjacent to the bridge and creek. We have not found it to be registered as a "North Carolina Champion Tree" or a "National Register of Big Trees". Although not registered, the tree has unique characteristics of size and age which may set apart as a tree of significance.

Observations:

Tree species: Quercus alba, White Oak

Circumference: 14.2'

Spread: 88' Height: 65'

Estimated Age: 270 yrs.

Notes: The tree has been found to be in good general health.

Comments:

It being a White Oak of significant size and age (in and of itself) makes it unique and special. It more than likely stood in place while the Cherokee hunted in surrounding forests. It would have first sprouted as settlers reached in to western North Carolina. It stood throughout the Civil War (1861), the establishment of Graham Co (1872) and the construction of Robbinsville's first courthouse (1874); it therefore would be much older than the automobile or paved roads. Its location adjacent to Long Creek also gives it environmental significance of anchoring the slope and providing shade and shelter along its banks.

Recommendations:

The tree's environmental significance is important and measurable. Its historic significance is immeasurable and irreplaceable. NCDOT's greatest effort would be to develop construction plans and establish measures to protect and minimize impacts to the stream and tree.

Central and Division Roadside staff can work together, and in conjunction with the construction project, for the planned preservation of the tree. Measures to prepare the tree for construction (i.e. pruning and fertilization), protection during construction (i.e. minimal impacts to the trees root system), and planned integrated maintenance post construction should help greatly to assist in the health and welfare of the tree.

¹ estimated age is based on the formula: average diameter of the tree x species factor. As defined, the age is only an estimate. Greater clarity through physical observation of local tree growth patterns, the specific tree characteristics of branching, bark development and size can more accurately define age (by certified Arborist specializing in tree age estimating).

cc: Ed Ingle, CPESC, Roadside Field operations Engineer Connie Morgan, Roadside Environmental Designer Richard Queen, Div 14 Roadside Environmental Engineer



June 21, 2011

Mr. Gregory J. Thorpe, Ph.D.
Manager, Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

Subject: EEP Mitigation Acceptance Letter:

B-4122, Replace Bridge Number 81 over Long Creek on SR 1117 (Moose Branch Road), Graham County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the compensatory stream mitigation for the subject project. Based on the information supplied by you on June 20, 2011, the impacts are located in CU 06010204 of the Little Tennessee River Basin in the Southern Mountains (SM) Eco-Region, and are as follows:

Little Tennessee		Stream			Wetlands		Buffer	(Sq. Ft.)
06010204 SM	Cold	Cool	Warm	Riparian	Non- Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	42	0	0	0	0	0	0	0

EEP commits to implementing sufficient compensatory stream mitigation credits to offset the impacts associated with this project in accordance with the N.C. Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from EEP.

If you have any questions or need additional information, please contact Ms. Beth Harmon at 919-715-1929.

Sincerely,

William D. Gilmore, P.E.

EEP Director

Mr. Lori Beckwith, USACE - Asheville Regulatory Field Office

Mr. Brian Wrenn, Division of Water Quality, Wetlands/401 Unit

File: B-4122

cc:



James B. Stempel for



Determination of Jurisdiction:
A. Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
B. There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
C. There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
D. The jurisdictional areas within the above described project area have been identified under a previous action Please reference jurisdictional determination issued Action ID
Basis of Jurisdictional Determination: Long Creek is a tributary to the Little Tennessee River which is a Section 10 navigable-in-fact waterway (TNW).
Appeals Information: (This information does not apply to preliminary determinations as indicated by paragraph Aabove).
Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you wifind a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:
District Engineer, Wilmington Regulatory Program Attn: David Baker, Project Manager 151 Patton Avenue, Room 208 Asheville, North Carolina 28801
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address within 60 days from the <i>Issue Date</i> below.
**It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.

Corps Regulatory Official: <u>David Baker</u>

Issue Date: April 28, 2010

Expiration Date: April 28, 2015

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

Copy Furnished:
Mark Davis, NCDOT, Division 14 Environmental Officer

STORMWATER MANAGEMENT PLAN

Project: 33346.1.1 TIP B-4122

April 27, 2012

Graham County

Hydraulics Designer: Carlas Sharpless, PE

Hydraulics Project Manager: Stephen R. Morgan, PE, NCDOT Hydraulics Unit

ROADWAY DESCRIPTION

The project involves replacing Bridge No. 81 on SR 1117 (Moose Branch Rd.) over Long Creek in Graham County. The overall project length is 0.103 MI. The existing roadway has 18 feet of pavement with 4 feet of grassed shoulder on each side. The existing structure, built in 1962, consists of a timber floor on I-Beams and vertical abutments with a total length of 41 feet and a clear roadway width of 19°. The proposed road will have 20 feet of pavement for two ten foot travel lanes. The upstream or right side of the project will remain shoulder section while the downstream or left side of the project will become curb and gutter with a sidewalk for pedestrian use. The existing bridge will be replaced with a 36 feet long 1@40'x6' crownspan structure on footings supported by sheet piling with a clear roadway width of 33'5". An offsite detour will be utilized during the construction of this project.

ENVIRONMENTAL DESCRIPTION

Land Use

The project location is located just outside of the Robbinsville city limit on a low speed state route. The area is mainly residential with schools and recreational facilities in the near vicinity. The 11.2 square mile watershed is mainly rural.

Topography and Water Resources

This project is located in the Little Tennessee River Drainage Basin. Long Creek has a "C, Tr" stream classification. This stream is not on the 303d list. The total permanent wetland impacts shown on this project is 0.027 Ac and temp wetland impacts are 0.005 Ac. For this project, the bottomless structure will provide an adequate passage for aquatic life and allow for natural stream development through the culvert. The culvert will also shift slightly to minimize the impacts to the tree at the northeast quadrant of the project.

BEST MANAGEMENT PRACTICES

Catch basins placed down station will capture stormwater from the roadway surface and crownspan deck, eliminating direct discharge into the creek. The proposed structure is a 1@40'x6' crownspan, which will provide more conveyance area, and a smaller footprint when compared to the existing 1@41' structure. Outlet pipes will be placed on minimum grades to minimize velocities. Rip-Rap pads will be placed at pipe outlets at Sta. 12+92 LT. and Sta. 13+45 Rt. to dissipate energy prior to reaching the creek. A grassed shoulder along with a grass swale will be utilized from –L- Sta.10+50 RT. to –L- 12+50 RT. to provide treatment of the storm water from the roadway prior to the culvert.

B-4122 Property Owner List

- Mr. Jasper Moose
 Mrs. Wilma Moose
 PO Box 1077
 Robbinsville, NC 28771
- Graham County
 Board of Education
 52 Moose Branch Rd.
 Robbinsville, NC 28771
- 4. Herve Cody Claudene Cody PO Box 218 Robbinsville, NC 28771

DB 145 PG 144 DB 152 PG 182

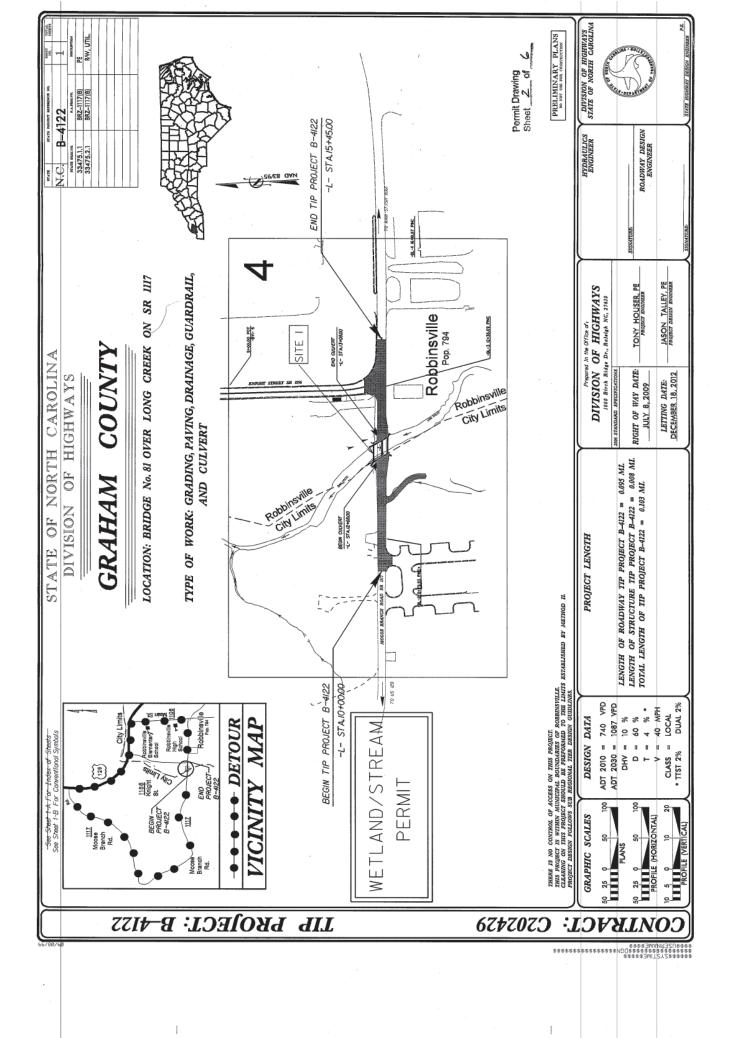
DB 153 PG 608 DB 170 PG 680

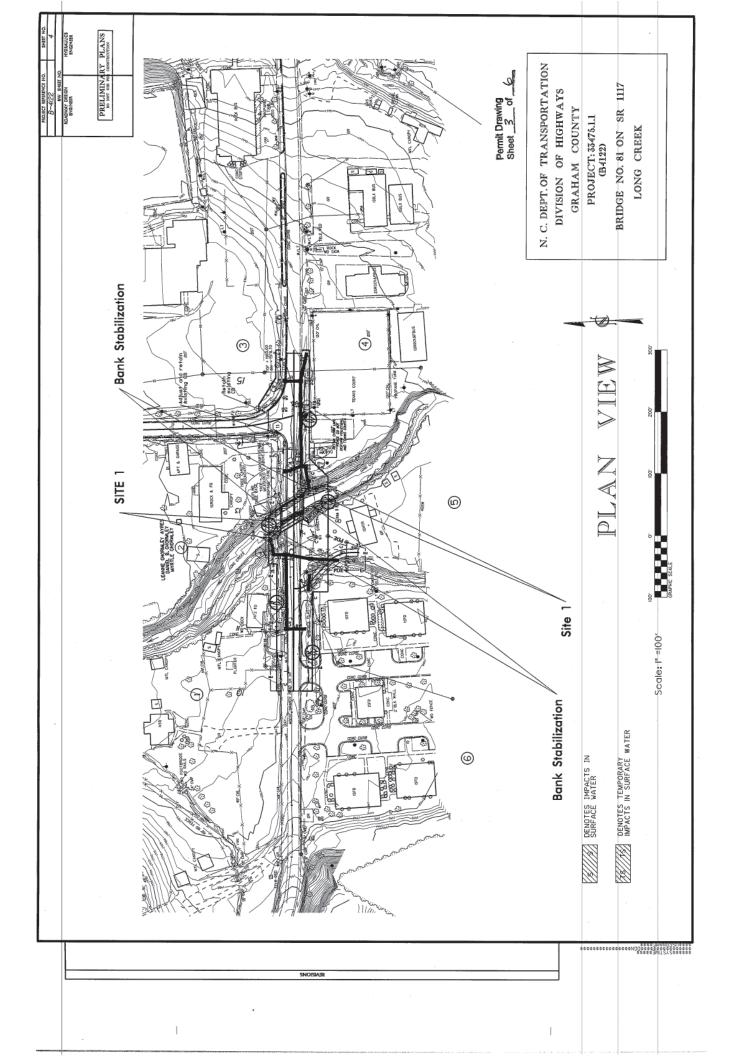
DB 50 PG 357

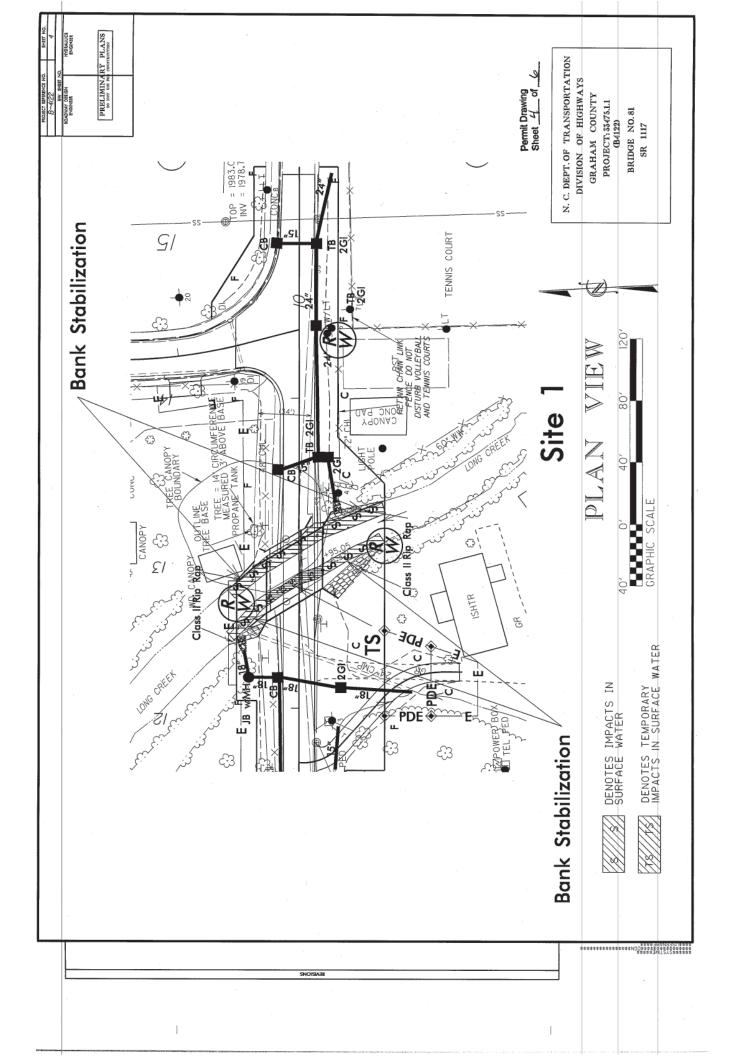
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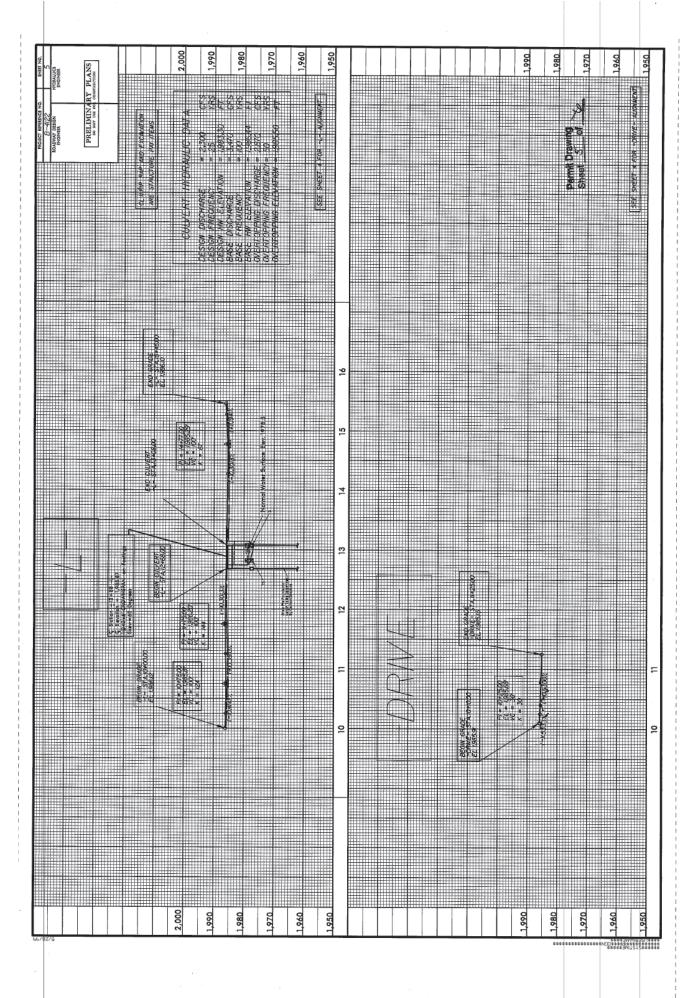
DB 139 PG 388

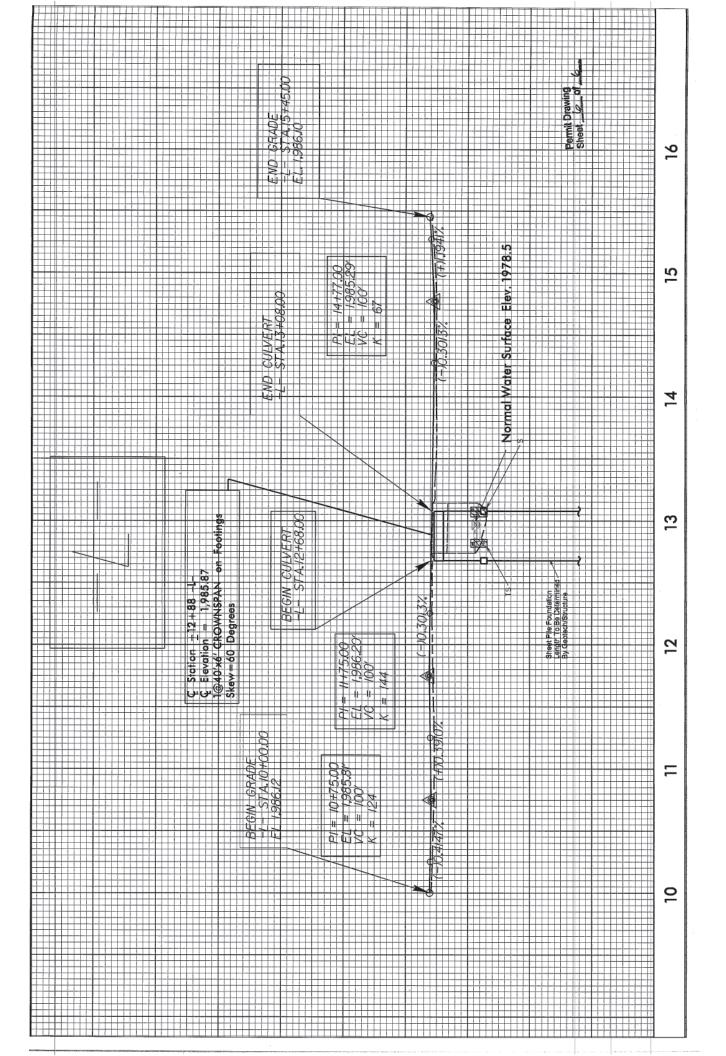
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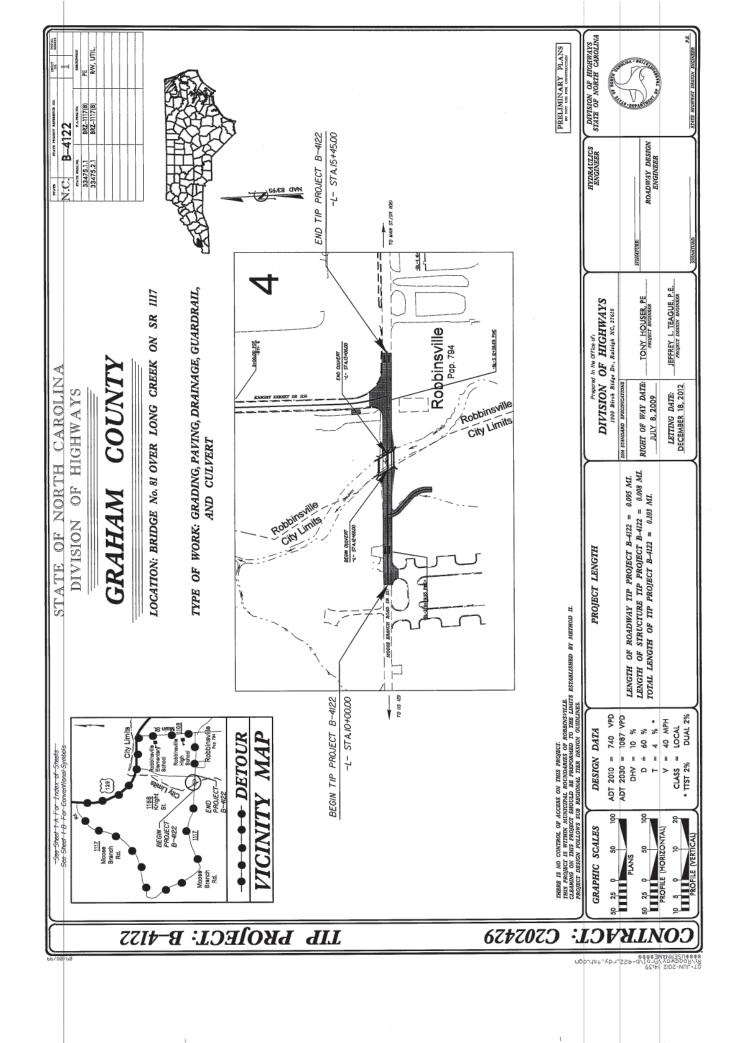












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